

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 667 - HB 880

April 20, 2021

**SUMMARY OF ORIGINAL BILL:** Requires the Department of Health (DOH) and its Division of Health-Related Boards to conduct a study on the licensure and regulation of cannabis for medical use by the departments of health and medical professional licensing boards of states contiguous to Tennessee. Requires the DOH to report its and the Division's findings to the appropriate legislative committees by December 15, 2021.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (007340):** Deletes all language after the enacting clause. Requires the Department of Health (DOH) and its Division of Health-Related Boards to conduct a study on the licensure and regulation of cannabis for medical use by the departments of health and medical professional licensing boards of states contiguous to Tennessee. Requires the DOH to report its and the Division's findings to the appropriate legislative committees by December 15, 2021.

Requires the DOH and the Division of Health-Related Boards to perform a study on the licensure and regulation of cannabis for medical use, including, as practicable, any positive or negative impacts on healthcare providers and patients. Requires the study be conducted utilizing existing DOH resources. Requires the DOH to report its and the Division's findings to the Chair of the Health Committee of the Senate by December 15, 2024.

Defines "medical marijuana" as cannabis or its derivatives that are lawfully obtained outside of this state and does not include cannabis that is in a form intended to be smoked or inhaled as vapor, including vape or vaporization pens or cartridges.

Establishes that it is not an offense for an individual to have in possession lawfully obtained medical marijuana or paraphernalia if the individual possesses a letter from a physician, with whom the individual has a bona fide practitioner-patient relationship.

Requires the letter: (1) attests that the patient has received conventional methods of treatment for the patient's qualifying medical disease or condition and those methods have insufficiently addressed the patient's disease or that the patient is enrolled in a medical or clinical trial or study; and (2) is signed and dated by the physician. Requires the patient be able to produce documentation that the medical marijuana was lawfully obtained and in a specified container. Requires the amount of medical marijuana in possession not to exceed 2800 mg of tetrahydrocannabinol.

Prohibits a state or local law enforcement agency from using information regarding a qualified patient's possession or use of medical marijuana as determination for whether a person is authorized to purchase, transfer, possess, or carry a firearm and declares that no qualified patient's possession as committed an offense related to carrying or possessing a weapon.

## **FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

### **Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- The DOH can complete the required study utilizing existing resources without an additional appropriation or a reduced reversion.
- Tenn. Code Ann. § 39-17-402(16)(A) defines marijuana as all parts of the plant cannabis, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, including concentrates and oils, its seeds or resin.
- Pursuant to Tenn. Code Ann. § 39-17-415(a), marijuana is a Schedule VI drug.
- Pursuant to Tenn. Code Ann. § 39-17-417, it is an offense to manufacture, deliver, sell, or possess a controlled substance.
- Excluding the possession of “medical marijuana” from an offense if a person in possession of such retains proof that a licensed doctor has diagnosed the person with a qualifying or debilitating medical health condition will not result in a significant fiscal impact.
- It is assumed that doctors in Tennessee are not currently prescribing illegal controlled substances in violation of state law, therefore authorizing the possession and use of cannabis or its derivatives under such circumstances will not result in a significant impact to the Tennessee Department of Corrections or local jails.
- The proposed legislation will not result in a significant impact to the Department of Health.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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